

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANNMARIE GORDON,

Plaintiff,

v.

PIERCE COUNTY and HOLIDAY INN
EXPRESS

Defendants.

CASE NO. 3:22-cv-05139-RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE

This matter comes before the Court on the Report and Recommendation (“R&R”) of Chief Magistrate Judge J. Richard Creatura. Dkt. 7. The Court has considered the R&R, Plaintiff’s objections (Dkt. 8), and the remaining record, and is fully advised.

The R&R responds to the plaintiff’s application to proceed *in forma pauperis* (“IFP”). Dkt. 1. The Magistrate Judge previously considered plaintiff’s IFP application, screened her original complaint (Dkt. 1-1), found that she failed to state a claim for which relief could be granted (Dkt. 5), and gave her an opportunity to amend (*id.*). The pending R&R considers the

1 amended complaint, determines that she again failed to state a claim, and recommends
2 dismissing the complaint and denying plaintiff's IFP application as moot. Dkt. 7.

3 Plaintiff's objections do not meaningfully respond to the deficiencies addressed in the
4 R&R. She repeats the allegation that she was arrested without cause, an allegation she made in
5 her complaint, but she does not provide additional information about the arrest. Dkt. 8. For
6 example, whether arresting officers acted pursuant to an official policy or practice or whether she
7 was charged or convicted for the arrest. The R&R informed plaintiff that the complaint must do
8 more than allege in a conclusory manner that an arrest was unlawful. *See* Dkt. 7 at 3.
9 Nonetheless, she does not provide necessary information to determine whether her arrest was
10 plausibly unconstitutional. Therefore, the R&R should be adopted.

11 Accordingly, it is hereby ORDERED that:

- 12 • The Court **ADOPTS** the Report and Recommendation (Dkt. 7);
- 13 • This matter **IS DISMISSED** without prejudice, and the case closed;
- 14 • The motion to proceed *in forma pauperis* **IS DENIED** as moot.

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
16 to any party appearing pro se at said party's last known address.

17 Dated this 13th day of June, 2022.

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20 ROBERT J. BRYAN
21 United States District Judge
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